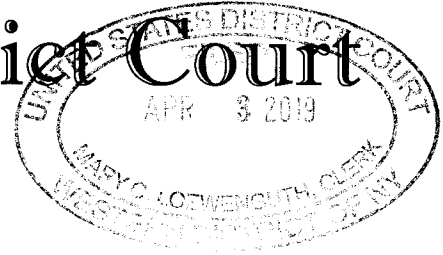


# United States District Court

for the  
Western District of New York



United States of America

v.

Case No. 19-MJ- 4045

RUNGROT PHIMTHONG

*Defendant*

## CRIMINAL COMPLAINT

I, NICHOLAS MELCHIORRE, Special Agent with the United States Department of Homeland Security, Homeland Security Investigations, the complainant in this case, state that the following is true to the best of my knowledge and belief:

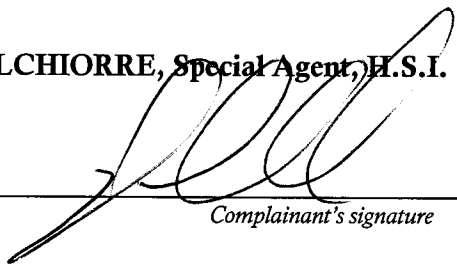
On or about and in and between November 18, 2017 and October 10, 2018, in the Western District of New York, the defendant **RUNGROT PHIMTHONG** violated Title 18 U.S.C. §§ 2252A(a)(2)(A), 2252A(a)(5)(B), and 2252A(b)(2), offenses described as follows:

the defendant did knowingly receive and possess child pornography involving prepubescent minors that had been shipped or transported using any means or facility of interstate or foreign commerce or had been shipped or transported in or affecting interstate or foreign commerce by any means, including by computer, in violation of Title 18, United States Code, Section 2252A(a)(2)(A), and Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2).

This Criminal Complaint is based on these facts:

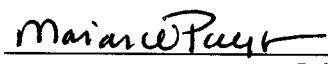
SEE ATTACHED AFFIDAVIT OF NICHOLAS MELCHIORRE, Special Agent, H.S.I.

☒ Continued on the attached sheet.

  
Complainant's signature  
\_\_\_\_\_  
NICHOLAS MELCHIORRE, S.A., H.S.I.  
Printed name and title

Sworn to before me and signed in my presence.

Date: April 3, 2019

  
Judge's signature  
\_\_\_\_\_  
MARIAN W. PAYSON, U.S. Magistrate Judge  
Printed name and title

City and State: Rochester, New York

**AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT**

STATE OF NEW YORK )  
COUNTY OF MORNOE ) SS:  
CITY OF ROCHESTER )

*19-mj-4045*

**NICHOLAS MELCHIORRE**, being duly sworn, deposes and states:

1. I have been employed as a Special Agent ("SA") with Homeland Security Investigations ("HSI"), within the Department of Homeland Security ("DHS"), since 2010. As a Special Agent, I am a federal law enforcement officer within the meaning of Rule 41(a) of the Federal Rules of Criminal Procedure, that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, federal criminal offenses.

2. I have participated in investigations targeting individuals involved in the receipt, distribution, and possession of child pornography, including child pornography that involves a prepubescent minor, in violation of 18 U.S.C. §§ 2252A(a)(2)(A), 2252A(a)(5)(B), and 2252A(b)(2). I have received specialized training in the area of child pornography and child exploitation, and I have had the opportunity to observe and review numerous images and videos of child pornography, as defined in 18 U.S.C. § 2256.

3. I make this affidavit in support of a criminal complaint charging RUNGROT PHIMTHONG (hereinafter "PHIMTHONG") with violations of 18 U.S.C. §§ 2252A(a)(2)(A) (Receipt of Child Pornography) and 2252A(a)(5)(B) and 2252A(b)(2) (Possession of Child Pornography Involving Prepubescent Minors).

4. The statements contained in this affidavit are based upon my investigation, conversations with and information provided to me by other law enforcement personnel, and my experience and training as a Special Agent of HSI. Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint, I have not included each and every fact known to me concerning this investigation. Rather, I have set forth only the facts that I believe are necessary to establish probable cause to believe that PHIMTHONG knowingly violated 18 U.S.C. §§ 2252A(a)(2)(A), 2252A(a)(5)(B), and 2252A(b)(2).

#### **BACKGROUND OF THE INVESTIGATION**

##### **OPERATION BLACK WRIST AND BOYXZEED2.NET**

5. Operation BLACK WRIST concerns a Thai website, “Boyxzeed2.net,”<sup>1</sup> where images of child pornography are being sold and shared amongst the users. The Operation’s goal was to identify the boy victims depicted on the site as well as the offenders, producers, and users on Boyxzeed2.net.

6. Operation BLACK WRIST was coordinated by Interpol Crimes Against Children Asia and involved international cooperation between the Department of Special Investigations (“DSI”) in Thailand, Department of Internal Affairs (“DIA”) in New Zealand,

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<sup>1</sup> There are several previous versions of Boyxzeed2.net (with the same administrator and victims):

- a. “Boxzeed.net” created July 2015 and deleted July 2017;
- b. “Boysvid.net” created October 2017; and
- c. “Boyxzeed2.net” created September 2017, taken down February 2018.

Boyxzeed2.net and its predecessor sites are referred to herein collectively as “Boyxzeed2.net.”

Homeland Security Investigations (“HSI”) in the United States, South Australian Police (“SAPOL”), Australian Federal Police (“AFP”) in Australia, Europol AP Twins, and the Bulgarian Cybercrime Unit in Bulgaria.

7. Boyxzeed2.net was used solely to post, share, and access material portraying the sexual abuse of children. It could be accessed by anyone who created an account.

8. There were three main levels of membership. The first level was a free, open status. The second level, VIP Zone, was where members contributed to the membership by uploading of images of child pornography. The third level, “Secret Room,” was paid access.

9. The material on Boyxzeed2.net could be purchased via True Money VISA and True Money PAYPAL.

10. Each membership level required users to invest in credits, which could be acquired by uploading images of child pornography and/or paying. The third level “Secret” group’s members paid to access material that portrays the sexual abuse of children.

11. Interpol initially discovered “Boyxzeed” while monitoring the Darknet and a child sexual abuse board on TOR in January 2017. Discussions among those users revealed that certain material depicting the sexual abuse of children originated from a website called “Boyxzeed.”

12. As part of Operation BLACK WRIST, Interpol assisted Thai and South Australian authorities in identifying Boyxzeed’s two site administrators (in Thailand and Australia) and multiple victims (in Thailand). The site administrators were arrested in January 2018. The Thai site administrator admitted to sexually abusing eleven young boys

in a small village in Thailand and to selling the produced material on Boyxzeed2.net. The administrator said there were over 5,000 images and videos containing child pornography on Boyxzeed2.net and that those images were produced between 2016 and 2018.

13. Boyxzeed2.net was hosted in Bulgaria. In February 2018, after the site administrators were arrested, the Bulgarian Cybercrime unit took down Boyxzeed2.net. Copies of the website's server were provided to Europol and Interpol and Interpol has provided certain information regarding United States-based users to HSI, including the username, email address, group/level of membership, date of registration, IP activity, amount of credit, and—where the user posted comments or messages on the site—the text of those comments and messages.

**BOYXZEED2.NET USER GAMEZA555 IDENTIFIED AS A TOP POSTER**

14. On April 28, 2018, Thailand DSI provided HSI Cyber Crimes Center ("C3") with screenshots of several United States users on Boyxzeed2.net, including user "GAMEZA555."

15. GAMEZA555 was identified as a top user and poster of child exploitation material.

16. GAMEZA555's profile page indicates that GAMEZA555 registered on the Boyxzeed2.net website on November 18, 2017 at 02:00:56 UTC from IP Address 98.3.31.136 with email address ff@163.com.

17. GAMEZA555 was active through December 17, 2017, and was last active on December 21, 2017 with IP Address 98.3.31.136.

18. GAMEZA555 had 842 credits and was a member of the third level, paid access, “Secret” group. This indicates that GAMEZA555 paid money to access the images of child pornography available on Boyxzeed2.net.

19. Examples of the images of child pornography GAMEZA555 could have accessed because of his third-level, paid status include:

a. In a folder in the “Secret” group labeled “BOYXZEED\_BOOM,” there are approximately 200 images containing child pornography. For example:

i. Files “*IMG\_2964.jpg*” through “*IMG\_2971.jpg*”: These images depict a prepubescent minor male child, approximately 7 years old, wearing a pink shirt and no pants. The prepubescent minor male is performing oral sex on an adult male penis. The adult male has blue shorts on that are pulled down. The series of photos depicts different angles of the sexual act.

ii. Files “*IMG\_2983.jpg*” and “*IMG2984.jpg*.”: These images depict a prepubescent minor male child, approximately 7 years old, wearing a pink shirt and no pants. The prepubescent minor male child is anally penetrated by an adult male penis. Both photos depict different angles of the sexual act.

b. In a folder in the “Secret” group labeled “BOYXZEED\_JIMMY,” there are approximately 214 images containing child pornography. For example:

i. Files “*IMG\_3193.jpg*” through “*IMG\_3202.jpg*”: This series of images depicts a prepubescent minor male child, approximately 4 years old, wearing an orange t-shirt. The prepubescent minor male child is observed performing oral sex on an adult male penis. The adult male is wearing a grey t-shirt and no pants.

20. Further information from Interpol shows that on November 23, 2017, GAMEZA555 was involved on the message forum in the “Secret” group, in a folder titled “PLEASE HELP ME FIND MORE PICS OR VIDEOS OF THIS BOY.”

21. A screen shot of the “Secret” group message board shows that, on November 25, 2017, GAMEZA555 posted an email with the subject line “Pic boy-N Ball 14 Year.” The Interpol report further reveals that GAMEZA555 posted private messages 7 times and posted public messages 77 times. Examples of these posts include:

- a. On December 1, 2017, GAMEZA555 sent a private message with the subject line “Do you have video kids” and the message “do you have video kids.”
- b. November 28, 2017 at 01:24:32, GAMEZA555 posted “Have you ever had a child” in the forum “Premium Room” thread “([Premium] Set Picture [Return] - White05).”
- c. November 28, 2017 at 1:54:05, GAMEZA555 posted the comment “No more???” in the forum “Photogallery” thread “Nice Boy 7 yo.”
- d. On November 28, 2017 at 02:00:06, GAMEZA555 posted the comment “I have 8-12 children” in the forum “Request a video clip” thread “I have a pretty fat boy 10-12.”
- e. On November 29, 2017 at 2:00:02, GAMEZA555 posted the comment “have a video clip” in the forum “Photogallery” thread “included 3.”
- f. On December 10, 2017 at 23:04:44, GAMEZA555 posted the comment “150 How many clips” in forum “general category” thread “Selling clips include children. Breaking water for children over 1 hour.”
- g. On December 19, 2017 at 1:03:43, GAMEZA555 posted the comment, “Can you upload For watch online please” in the forum “Post Office” thread “3 German Boys 11-12yo suck each other.”

22. GAMEZA555 made multiple comments asking how to contact the site administrators.

23. GAMEZA555 made comments in both English and Thai asking for more videos and clips.

24. Interpol conducted a risk analysis assessment of Boyxzeed2.net's message board users based on four factors: group membership, credit status, upload content, and known user. Based on the facts that GAMEZA555 had "Secret" group membership, 842 credits, posted public and private messages 84 times, and was a known user, GAMEZA555 was listed as a top poster on Boyxzeed2.net.

25. On March 10, 2018, HSI C3 was able to locate an archive of the website <https://bb.boyxza.xyz/forum.php> that shows GAMEZA555 was listed as a top poster.

26. A query of the American Registry for Internet Numbers ("ARIN") online database revealed that GAMEZA555's registration IP address 98.3.31.136 (as set forth in Paragraph 16, above) was registered to Charter Communications. A summons was issued to Charter Communications to obtain subscriber information for IP address 98.3.31.136 on December 21, 2017 at 12:22:00 PM GMT. Charter Communications identified the account holder and address as:

William HARNEY  
911 Erie Station Road  
Rush, NY 14543.

27. A check of the law enforcement database CLEAR confirmed William HARNEY (DOB: X/XX/1965) resides at 911 Erie Station Road, Rush, New York with his wife, Bunrueang HARNEY (DOB: X/XX/1974).



28. A check with the New York Department of Motor Vehicles also confirmed that an individual named William HARNEY, with a date of birth of X/XX/1965, resides at 911 Erie Station Road, Rush, NY 14543 with New York driver's license number XXXXXX628.

29. A search of the law enforcement travel records for W. HARNEY indicates that he has numerous border crossings between 2001 and 2018. HARNEY traveled to Asia in 2001 and several additional times between 2005 and 2008.

30. In 2006, W. HARNEY traveled to Thailand and married B. HARNEY.

31. In 2008, B. HARNEY became a Lawful Permanent Resident of the United States.

32. After B. HARNEY obtained Lawful Permanent Residency, W. HARNEY traveled back to Thailand and brought B. HARNEY back to the United States.

33. PHIMTHONG is B. HARNEY's son.

#### **SEARCH OF 911 ERIE STATION ROAD AND INTERVIEWS OF ITS RESIDENTS**

34. On October 2, 2018, the Honorable Marian W. Payson, United States Magistrate Judge, Western District of New York, issued a federal search warrant for the residence located at 911 Erie Station Road, Rush, New York.

35. On October 10, 2018, HSI executed the search warrant and seized (a) an Acer Aspire laptop serial number 12300230325 and (b) a Dell Inspiron service tag number 1XTP251.

36. The Acer laptop was seized from inside a dresser in PHIMTHONG's room.

37. The Acer and Dell computers were both taken to the HSI Buffalo Computer Forensic Laboratory for forensic analysis, the results of which are described below.

38. During the execution of the search warrant, W. HARNEY and B. HARNEY were present at the residence. PHIMTHONG was in Thailand visiting friends.

39. Both W. HARNEY and B. HARNEY engaged in consensual interviews and denied ever accessing or viewing child pornography at any point in their respective lives.

40. B. HARNEY indicated that both she and her son, PHIMTHONG, are Lawful Permanent Residents of the United States with Thai citizenship.

41. On October 29, 2018, PHIMTHONG returned to the United States through O'Hare International Airport in Chicago, Illinois. At the time of PHIMTHONG's application for admission to the United States, HSI Special Agents in Chicago detained PHIMTHONG's cellular phone (an iPhone bearing serial number F17VH9X3JCM2) and sent the phone to HSI Buffalo to conduct an extended border search of the device.

42. An HSI Computer Forensics Agent ("CFA") conducted an electronic search of PHIMTHONG's iPhone on November 2, 2018; they did not recover any child pornography files but did determine that:

- a. Websites searched in the internet browser included "boyxza," "boyxzeed," and "boyza-zeed";
- b. On June 18, 2018, the device browsed websites with the titles: "boyxza.xyz," "gaytop boyxza," and "boyza-zeed"; and

c. Multiple sites that were browsed had the username "GAME555" associated with them.

43. On December 28, 2018, HSI (with the assistance of HSI translation services) conducted a consensual interview of PHIMTHONG at his 911 Erie Station Road residence.

44. PHIMTHONG admitted to investigators that he accessed Boyxzeed2.net and confirmed his username on the site had the word "game" in it, although he could not recall the full name.

45. PHIMTHONG stated he has viewed pornographic photographs of both adults and children under the age of 18, and that he first saw images of child pornography approximately 2 years ago.

46. Throughout the interview, PHIMTHONG referred to the Acer Aspire laptop that was previously seized from the residence as his old broken computer.

47. PHIMTHONG stated that the files of child pornography located on his Acer laptop (which are described below) must have been from "that website" (referring to Boyxzeed2.net).

48. PHIMTHONG denied ever posting or sending child pornography.

49. PHIMTHONG later stated the only place he looked at child pornography was on the Boyxzeed2.net website.

**INTERIM FORENSIC ANALYSIS OF SEIZED EVIDENCE**

50. An Interim Forensic Examination report found no files or artifacts of child pornography on the Dell Inspiron laptop seized from the HARVEY residence on October 20, 2018.

51. The Acer laptop seized from the HARVEY residence on October 20, 2018, however, contained 9598 image files and 4 video files that appear to meet the definition of child pornography under 18 USC § 2556.

52. Additionally, a search of the Acer laptop identified 83 hits for the search term “boyxzeed.”

53. On March 18, 2019, your affiant reviewed the files identified in Paragraph 51. All of the suspect files appear to depict minors under 18 years of age. All but one of the files appear to depict minor Asian males consistent with the child pornography distributed on Boyxzeed2.net. Although your affiant did not count every one of the 9,602 suspected child pornography files, numerous files did appear to depict infants and/or toddlers. Additionally, 1 video of suspected child pornography appeared to depict sadistic or masochistic conduct or violence, and is described as follows:

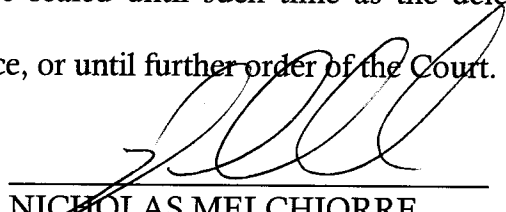
a. File “*E8EB04A6CBA2925824FB2062320C1FCD.mpg*”: This video file is 24:09 in length. At the 18:30 mark, an adult male sits on the pelvic region of a minor Asian male who is lying on his back on what appears to be a bed. The minor male is approximately 6-10 years of age. The adult male’s legs are on either side of the minor male’s body. The adult male grabs what appears to be a yellow cloth and places it length-wise in the minor’s mouth while holding each end with his hands. The adult male pushes down on the cloth, pushing the minor’s head into the bed. The minor male appears to be choking and is seen kicking his legs. The adult male took the cloth out of the minor’s mouth after a few seconds. Although both the minor and adult male

are wearing what appear to be traditional Asian underwear during this interaction, the minor male's erect penis is exposed through his underwear as the adult male mounted on top of him. Additionally, at various points during the video, the adult male is seen performing both oral sex on and masturbating the minor male.

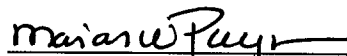
### CONCLUSION

54. Based upon the forgoing, the undersigned respectfully submits that there is probable cause to believe **PHIMTHONG** has violated 18 U.S.C. §§ 2252A(a)(2)(A) (Receipt of Child Pornography) and 2252A(a)(5)(B) and 2252A(b)(2) (Possession of Child Pornography involving Prepubescent Minors).

55. Due to the possibility of seriously jeopardizing the effectiveness of the investigation if this information was made public, I request that this affidavit, and accompanying complaint and arrest warrant, be sealed until such time as the defendant appears before this Court for his initial appearance, or until further order of the Court.

  
\_\_\_\_\_  
NICHOLAS MELCHIORRE  
Special Agent  
Homeland Security Investigations

Sworn and subscribed before me  
this 3 day of April, 2019.

  
\_\_\_\_\_  
MARIAN W. PAYSON  
United States Magistrate Judge